

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-1512-KK-SHKx**

Date: June 5, 2024

Title: *Jesus Jesse Cadena v. JIR Fighter, Inc., et al.*Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute and Comply with Court Orders

On December 21, 2021, plaintiff Jesus Jesse Cadena (“Plaintiff”) filed the operative Complaint in San Bernardino County Superior Court against defendants JIR Fighters, Inc. and Ilenya Ignacchiti (“Defendants”) raising claims of negligence arising from an automobile accident that occurred on December 27, 2019. ECF Docket No. (“Dkt.”) 1-2. On July 31, 2023, Defendant removed the action to this Court. Dkt. 1.

On February 1, 2024, the Court issued a Civil Trial Scheduling Order setting all pretrial and trial dates and deadlines, including a deadline to “Conduct Second¹ Settlement Proceedings” by May 10, 2024. Dkt. 25 at 1 (emphasis in original). The Court ordered, “Plaintiff shall file a Joint Report regarding the outcome of settlement discussions, the likelihood of possible further discussions, and any help the Court may provide with regard to settlement negotiations **not later than seven (7) days after** the settlement conference.” *Id.* at 3 (emphasis in original). The Court also issued an Order/Referral to ADR, reiterating the deadlines to conduct ADR proceedings by May 10, 2024 and to file a joint report by May 17, 2024. Dkt. 26.

Plaintiff was, therefore, required to file a joint status report regarding the outcome of the parties’ second settlement proceedings no later than May 17, 2024. However, to date, the Court has

¹ The parties’ Joint Case Management Statement in response to the Court’s November 22, 2023 Reassignment Order, dkt. 19, noted the parties had a voluntary private mediation scheduled on December 13, 2023. Dkt. 20 at 2.

not received a joint status report or any indication the parties engaged in second settlement proceedings as required by the Civil Trial Scheduling Order. Thus, Plaintiff is in violation of the Court's February 1, 2024 Civil Trial Scheduling and ADR Orders.

Pursuant to Federal Rule of Civil Procedure 41(b), the Court may dismiss this action with prejudice for failure to prosecute or failure to comply with a court order. See FED. R. CIV. P. 41(b). Before dismissing this action, the Court will afford Plaintiff an opportunity to explain his failure to file a joint status report as directed by the Court's February 1, 2024 Civil Trial Scheduling and ADR Orders.

Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** in writing why this action should not be dismissed and/or sanctions imposed for failure to prosecute and/or comply with court orders. Plaintiff shall have **up to and including June 7, 2024** to respond to this Order.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice and/or other sanctions, including monetary sanctions, for failure to prosecute and comply with Court orders. See FED. R. CIV. P. 41(b).

IT IS SO ORDERED.